

**MANY LAWYERS
BELIEVE**

**FRANK MOTION IS
SOUND**

Dorsey Not Disturbed
– Dr.

Harris' Testimony
Favor-

able to State

The move of the defense of Leo M. Frank in asking that the verdict of guilty be set aside and declared null and void on the ground that Frank was not present in the court room when it was rendered, is causing much discussion among lawyers, many of

whom express the opinion that the motion can be sustained in the courts.

However, Solicitor General Dorsey, who returned to the city from Valdosta Friday, does not appear to be worried by the unexpected move.

"Under the facts," said the solicitor, "the motion amounts to nothing." Mr. Dorsey would not be quoted further.

The answers of Dr. H. F. Harris to questions propounded by the defense about the hair incident before a commissioner Thursday were regarded as favorable to the state.

After comparing under a microscope, the specimen taken from the lathe and specimens taken from the head of Mary Phagan, when the body was exhumed, Dr. Harris said: "The specimens resembled each other so much that it was impossible for me to say definitely that it was not the hair of Mary Phagan."

DIFFERENCE IN SHADE.

"On the other hand, there appeared to be a slight difference in shade and shape, but no difference in texture. Color is determined by the naked eye, and there was not enough hair given me by the solicitor's assistant to make an accurate estimate of color. I have recently examined hairs from the heads of several persons. I find that the individual hairs taken from the head of the same individual differ as much in shape as the hair given me by the solicitor's assistant and the hair of Mary Phagan."

It is said that at this point in his examination Dr. Harris plucked two hairs from the head of Commissioner D. O. Smith, and pointed out a difference in shape and color in them to the official.

Answering questions Dr. Harris said: "I told the solicitor was my impression that the two specimens were different, but I was careful to say there was no certainty to the opinion. I think this conversation occurred in my office soon after the examination. Mr. Dorsey appeared to attach no importance to the examination

nor did I. I told him that the specimens were slightly different in shape and possibly in color.

“I did not specifically say the specimens were not the same.”

CLAIM OF DEFENSE.

In the extraordinary motion the defense alleges that Dr. Harris offered to let Dr. R. T. Dorsey, brother of the solicitor, compare the specimens to determine whether his opinion was correct.

Answering questions, Dr. Harris says that a few days before the trial he discussed his work in the case with the solicitor, Dr. Dorsey and several others.

“I recall that I talked to Dr. Dorsey about my work in a general way, and I may have told Dr. Dorsey that he could examine the specimens if he so desired,” he said.

Dr. Harris says there were probably a dozen strands of hair, although he did not count them, which were handed him as having come from the metal room. He took about 100 strands from the head of Mary Phagan.

Dr. Harris says he returned the strands of hair to the solicitor's assistant.

HARRIS STUDIES HAIR.

It is said Dr. Harris was recently made an exhaustive study of hair, and that probably he will be used as a witness for the state when it combats the defense's theory that the hair on the lathe was not Mary Phagan's.

Detective William J. Burns had not returned to the city Friday and was not expected during the day, officials at the local office of his agency said.

In his cell in the Fulton County Tower, Leo Frank on Friday passed his thirtieth birthday.

Frank received numbers of letters and congratulatory telegrams from friends in various parts of the country and some from people who do not know him. He received a number of gifts as well. Throughout the day his friends were calling at the tower to see him.

Frank's air of confidence has never left him and Friday he seemed in better health and spirits than usual. He would not discuss for publication the new moves in his case.

Hooper Makes Statement About Frank's Waiver

Frank A. Hooper, of the law firm of Little, Powell & Hooper, Goldstein, who assisted the solicitor in the prosecution of Leo M. Frank, when asked Friday about the motion of the defense to have the verdict set aside, said:

"My connection with the Frank case ceased when it was decided by the supreme court. However, as to the incident of the defendant's absence with Judge Roan during the trial I told him I thought it best that the defendant should agree personally to waive his presence and I doubted that his counsel's consent would be sufficient. The judge told me that he agreed with me and that the defendant's personal waiver had been or would be obtained. I supposed of course that it had been obtained, and was surprised to see a denial of this in the extraordinary motion filed yesterday. The solicitor and myself were attempting to guard this point and for that reason I mentioned the matter to Judge Roan."
